4 FCC Rcd 2172
54 Fed. Reg. 16363

Class C

Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

FCC 89-107
37647

In the Matter of	)	
	)	
Amendment of Part 73 of the Rules	)	MM Docket No. 88-375
to provide for an additional FM	)	
station class (Class C3) and to	)	RM-6236
increase the maximum transmitting	)	RM-6237
power for Class A FM stations	)	

FIRST REPORT AND ORDER

Adopted: March 30, 1989 ; Released: April 17, 1989

By the Commission:

INTRODUCTION

1. The Commission herein amends Part 73 of its rules to create an additional class of FM broadcast stations, designated "Class C3", to be available throughout most of the United States. This new station class will provide opportunities for some existing Class A FM station licensees to expand their coverage areas and thereby better serve their radio audiences. Also, the availability of an another intermediate class of FM facility in sparsely populated areas may make additional new stations economically feasible. For these reasons, we believe that this action will promote a competitive marketplace for the development and use of broadcast facilities and services, further develop a regulatory framework that permits markets for broadcast services to function effectively, and improve efficiency in the allotment, licensing, and use of the electromagnetic spectrum.

BACKGROUND

2. On July 20, 1988, the Commission adopted a Notice of Proposed Rule Making ("Notice") setting forth for public comment various proposed rule amendments that would potentially permit improvements in the facilities of the majority of Class A FM broadcast stations in the United States.[1]

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1 See Notice of Proposed Rule Making in MM Docket 88-375, FCC 88-251, released on September 12, 1988, 3 FCC Record 5941 (1988).

Specifically, the Commission proposed the creation of a new intermediate class of FM broadcast stations in Zone II[2], and a general increase in the maximum permitted transmitting power for Class A FM broadcast stations.[3]

3. In response to the Notice, the Commission received 98 formal comments, 16 reply comments, and several hundred informal letters and inquiries. Most of these comments and letters address issues related to the Class A power increase proposal, and some of them address the matter of the proposed new C3 station class as well. It is apparent from our initial review of these pleadings that there is sharp disagreement among the parties as to how any increase in transmitting power for Class A stations should be implemented, and that further study of the positions advocated in the comments, consideration of administrative details, and additional technical analysis is necessary before we decide that matter.

4. By contrast, the majority of comments addressing the new C3 station class agree in favoring the rules proposed to provide for such a station class. The commenters confirm our tentative conclusion that the creation of this new station class will improve spectrum utilization in Zone II and afford opportunities for at least some of the Class A stations in Zone II to expand coverage, thereby allowing these stations to provide improved service to their audiences. Because the technical and administrative issues associated with the Class C3 proposal are comparatively simple, and there is among the commenting parties a nearly universal consensus in support of the proposed rules, it appears that prompt consideration of the Class C3 rules, separate from action on the proposed Class A power increase, is appropriate. Furthermore, we note that rulemaking proceedings to amend the Table of Allotments (by upgrading Class A allotments to Class C3 or adding new Class C3 allotments) are necessary

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2 The zones are defined in §73.205 of the Commission's rules. Zone I is a large area in the northeastern portion of the United States, containing the District of Columbia, the states of Indiana, Illinois, Pennsylvania, Ohio, West Virginia, Maryland, Delaware, Massachusetts, Connecticut, and portions of Michigan, Wisconsin, New York, Maine, New Hampshire, Vermont and Virginia. Zone I-A contains Puerto Rico, the U.S. Virgin Islands, and all but the northernmost portion of California. Zone II contains Alaska, Hawaii, and the rest of the continental United States not in Zones I and I-A.

3 The Commission proposed that this limit be raised from 3000 to 6000 Watts effective radiated power.

before any Class C3 station assignments can be made. As these allotment proceedings will require additional time, we believe that the public interest will be served best if we adopt the Class C3 rules in an expeditious manner. Accordingly, we are issuing this First Report and Order to adopt rules providing for the new C3 FM broadcast station class and will consider the matter of the Class A power increase separately.[4]

THE CLASS C3 PROPOSAL

5. In the Notice, we proposed to add a new class of FM broadcast station in Zone II, Class C3, to be an intermediate class between Class A and Class C2, with a maximum effective radiated power (ERP) of 25 kilowatts and a reference antenna height above average terrain (HAAT) of 100 meters (328 feet). We noted that the proposed ERP/HAAT combination would produce coverage midway between that of existing Classes A and C2, but invited comments as to whether some other combination might be more appropriate.[5]

6. Additionally, we proposed to revise the table of minimum distance separation requirements for domestic FM commercial broadcast stations by adding appropriate distances for the new Class C3. The distances we proposed, except for the intermediate frequency ("IF") distances, were calculated by assuming a primary service area for Class C3 facilities bounded by the 1 mV/m (60 dBμ) F(50,50) field strength contour.[6] Consistent with our proposal in MM Docket 86-144, the IF distances proposed for Class C3 were calculated to prevent overlap of the predicted 36

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4 E. Harold Munn, Jr. and Associates, Inc., and Pepper & Corazzini, in comments, and Bay Communications, Inc., in reply, all suggest that the Commission decide the Class C3 proposal first and separately from the Class A power limit increase proposal, for the reasons given.

5 See Notice, 3 FCC Rcd at 5943, para. 21.

6 See id, para. 22. The Petaz petition recommended that the somewhat larger distances applicable to FM Class B1 in Zones I and I-A be used for Class C3. However, this view was disputed by others initially commenting on the Petaz petition because it would create inconsistent and illogical spacing requirements among the various station classes in Zone II.

mV/m (91 dBμ) contours of IF-related stations.[7] On the basis of these distances, we estimated that roughly 15 percent of the current Class A assignments in Zone II would be able to upgrade to the new Class C3 at their current locations.

7. We restated in the Notice our desire to assign FM broadcast stations in a manner that provides adequate protection to existing service but does not preclude additional allotments or assignments by protecting vast areas not actually served.[8] Accordingly, we proposed to reclassify, after a specific time period, existing stations continuing to operate with facilities that result in less predicted coverage than is normally expected for the pertinent station class. In particular, we proposed that any Class C2 stations operating with an ERP of 25 kW or less and an antenna HAAT such that the reference distance is less than 39 km be subject to reclassification to the new Class C3. Additionally, we proposed that the few Class C stations operating with (grandfathered) ERP greater than 100 kW, but with an antenna HAAT such that the reference distance is less than 72 km, be subject to reclassification to Class C1. As for the time period, we proposed to inform the affected licensees of their status and then allow a three year period during which they would be able apply for modification of their facilities to meet the criteria for classification under their current station class, or otherwise be subject to reclassification. The proposed procedures are consistent with those we used successfully in BC Docket 80-90 to insure that FM station classifications are commensurate with the sizes of the areas served.

SUMMARY OF THE COMMENTS

8. Of the 98 formal comments filed in response to the Notice, 43 addressed the Class C3 proposal. All but one favored the proposal without

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7 See Further Notice of Proposed Rule Making in MM Docket 86-144, FCC 88-87, 3 FCC Rcd 1661 (1988). Noting that the IF distance separation requirements for FM broadcast stations provided different levels of protection depending on the classes of stations involved, and that there was no technical justification for this disparate treatment, the Commission proposed to revise the required minimum IF separation distances to provide a uniform level of protection from IF interference. The proposed revisions were adopted by the Commission on February 15, 1989. See footnote 24, infra. The IF distance separation requirements are contained in §73.207 of the Commission's Rules.

8 See Notice 3 FCC Rcd at 5943 and 5945, paras. 23 and 41.

major changes. The lone comment in opposition was filed jointly by National Public Radio and the Corporation for Public Broadcasting ("NPR/CPB").[9] Also, 3 of the 16 reply comments addressed the Class C3 proposal. All three reiterated support for it.

9. The joint comments of Albert L. Crain and Ouachita Communications ("Crain/Ouachita") are typical of the supportive filings. Crain/Ouachita states that addition of the C3 Class would increase the efficiency and flexibility of the Commission's classification scheme. Noting the considerable gap between the coverage area of a Class A station and a Class C2 station, Crain/Ouachita indicates that a number of Class A stations could significantly increase power, but are unable to do so because of the large difference in the spacing requirements pertaining to Class A and Class C2 stations. Adding the new intermediate classification between Class A and Class C2 would create a new alternative that would allow the aforementioned stations to increase their coverage area. Crain/Ouachita summarizes its position in regard to the Class C3 proposal as follows:

> "The additional power which a Class C3 station could use would both improve the quality of the station's signal in the areas now served and extend the station's signal into previously unserved areas. Consequently, the listening public would have more stations to choose among and would receive better quality service from currently available stations."[10]

Greater Media, Inc. ("Greater Media"), in comments, also supports the Class C3 proposal, stating that the new Class C3 is "a good proposal, based on sound engineering standards and grounded in sound policy considerations," and that the public would be well served by its adoption.[11]

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9 Also, an informal letter comment was received from Robert K. Zimmerman, of station WQWK, in opposition to all of the proposals for improvement of Class A stations, including the Class C3 proposal. Mr. Zimmerman's letter requested that the Commission leave the FM rules unchanged, and expressed the opinion that there are too many FM stations now and that no more should be licensed.

10 See comments of Crain/Ouachita at page 3, paragraph 4.

11 See comments of Greater Media at page 6, paragraph 8.

10. The Alpha Group ("Alpha") adds that the creation of a new Class C3 is sensible from an economic standpoint. Alpha explains that while some broadcasters might hesitate to consider the costs of an upgrade from Class A to Class C2, the facilities of a Class C3 station would be comparatively more affordable. Alpha states that the creation of the new Class C3 would constitute not only a refinement of the FM allotment and assignment processes, but also a "streamlining of business opportunities...."[12] Commenter E. Harold Munn, Jr. & Associates, Inc. ("Munn") agrees that the Class C3 proposal would make station upgrades more economical to operators in small communities. Munn indicates that, in a number of cases studied, current antennas and transmission lines could still be used, and that only a change of transmitter would be required. Consequently, Munn infers, the costs and other disadvantages of antenna site relocation (e.g., FAA approval of a different tower) would be avoided.[13]

11. Munn states that establishment of Class C3 would provide "a useful tool for improvement of FM service in the less densely populated areas of the nation" and adds that the gap between Class A and Class C2 facilities is so large that reasonable, interference-free expansion may not be available to the Class A operator who nevertheless needs to include service to small communities in order to have a viable operation.[14]

12. On the other hand, NPR/CPB opposes the Class C3 proposal[15] because it believes that the growth potential for public radio stations operating in the reserved portion of the FM band would be adversly affected by improvement of Class A commercial facilities. Most affected, according to NPR/CPB, would be public radio stations operating on FM Channels 218, 219 and 220, channels that are particularly important for reserved band public radio service in areas where TV Channel 6 is also assigned.[16]

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12 See comments of Alpha at page 10, paragraph 21.

13 See comments of Munn at 2.

14 Id. at 1.

15 NPR/CPB also opposes the proposed Class A power increase, for the same reasons.

16 See comments of NPR/CPB at 1. In BC Docket 20735, the Commission adopted rules (see §73.525) that provide for protection of Channel 6 TV reception from interference by non-commercial educational FM stations.

13. NPR/CPB alleges that the proposal to create a new C3 class of commercial FM stations is unwarranted for three reasons. First, NPR/CPB notes recent Commission actions intended to provide additional opportunities for new and improved FM service,[17] and argues that the Commission should "wait to observe the results of these expansion efforts before it embarks on further major revisions of the FM allocation system." Second, NPR/CPB claims that the addition of a new class of FM station would require a major revision of the spacing relationships of commercial FM stations. Such a revision, according to NPR/CPB, may result in interference to the service of Class B FM stations and "erode the ability of such stations to serve their intended audiences." Lastly, NPR/CPB points out that noncommercial stations could be further restricted in site moves and power increases because of greater distance separation requirements for Class C3 operation compared to Class A operation.[18]

14. Those commenters favoring creation of Class C3 unanimously support the maximum ERP (25 kilowatts) and reference HAAT (100 meters) proposed for the new Class C3. All but one, Susquehanna Radio Corp. ("Susquehanna"), also concur with the proposed distance separation requirements, which were calculated on the basis of a primary service area bounded by the 1 mV/m (60 dBμ) contour. Susquehanna supports the use of the same spacings applicable to Class B1 stations, but does not offer any explanation for this preference.[19] The reasons most often cited by the majority of the commenters for basing the distances on the 1 mV/m contour are: (1) that more C3 allotments could be made than if the Class B1 distances were to be used, and (2) that using the 1 mV/m contour would be consistent with the existing practice for all other FM stations in Zone II.

15. No commenters oppose, and several support, the proposal to reclassify, after a specified time period, existing stations continuing to operate with facilities that result in less predicted coverage than is normally expected for the pertinent station class. Greater Media supports the use of a three year period, noting that this policy was succesful when

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17 NPR/CPB cites the Commission's actions in BC Docket 80-90, which resulted in the allotment of approximately 700 new stations nationwide, and MM Docket 86-144, which, among other things, allowed Class A stations to upgrade to a higher class without having to change frequency.

18 Id. at 7-9.

19 See comments of Susquehanna at 2.

applied to Class C stations in BC Docket 80-90.[20] However, du Treil, Lundin & Rackley ("dLR") and Karl D. Lahm, P.E. ("Lahm") suggest that a three year period is not warranted and that a shorter period would be more appropriate. The three year period may have been warranted in BC Docket 80-90, according to dLR, where many stations were affected and site relocations were sometimes necessary. dLR explains that its database indicates that fewer than 40 stations would be affected and that the solution for these stations is to increase power to the minimum Class C2 level. To permit these few stations three years to apply for minimum facilities seems, to dLR, overly generous. Lahm agrees, commenting that six to twelve months from the effective date of the Class C3 rules should be adequate time.[21]

DISCUSSION

16. After consideration of the record developed in this proceeding with regard to the Class C3 proposal, we conclude that the adoption of rules providing for such a class is in the public interest. We find that the potential benefits of the additional intermediate FM station class are significant and easily outweigh the minor administrative costs of its implementation.

17. Although the Class C3 rules we are adopting today will potentially help only ten to fifteen percent of Class A stations, those stations will be able to provide much better service with, in many cases, a relatively modest expenditure. Class C3 stations, with their greater power, will have much better coverage than Class A stations and will thus promote better spectrum utilization. Moreover, we expect that some new Class C3 stations may be established in Zone II areas where a Class C2 allotment is not possible because of spacing requirements, and a Class A facility has been considered to be economically infeasible.

18. We disagree with NPR/CPB that the creation of a new intermediate class of FM stations is unwarranted. Adoption of these Class C3 rules is a logical extension of our actions in BC Docket 80-90 and MM Docket 86-144 and will further improve spectrum utilization by providing additional opportunities for new and improved service. The Class C3 facility will fill the coverage "gap" between Class A and Class C2 facilities, and is a refinement to our classification scheme that will provide a more complete

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20 See comments of Greater Media at page 5, paragraph 6.

21 See comments of dLR at 2-3. See also comments of Lahm at page 3, paragraph 5.

range of facilities in Zone II. We see no public benefit to delaying these rules until the full results of our earlier actions are realized.

19. We also disagree with NPR/CPB's contentions that the Class C3 rules constitute a major revision of the FM allocation system and spacing table that could harm the service of Class B stations. We are adopting appropriate distance separation requirements that will provide full protection to the service of all existing stations and allotments, including Class B stations. This will add only seven new lines to the distance separation table, and will not alter any of the existing distances. Thus, we do not consider this action to be a major revision.

20. However, as we recognized in the Notice, the assignment of Class C3 facilities may in some cases have a restrictive effect on possible future relocations and changes in facilities for non-commercial educational FM stations, particularly in markets where a Channel 6 TV station operates. Because we believe that it is appropriate to ensure the continued availability of adequate non-commercial educational FM radio service in such markets, we will continue to apply the "heavy burden" policy we developed in the First Report and Order in MM Docket 86-144 to Class A upgrades on Channel 221, in order to lessen any possible hardship on non-commercial educational FM stations.[22] We are revising the Note following paragraph 1.420(h) of our Rules (which advises Class A licensees seeking a class upgrade on Channel 221 of the heavy burden policy) to include a reference to the new Class C3.

21. Turning to the technical matters, we find that the proposed maximum ERP of 25 kW and reference antenna HAAT of 100 meters are appropriate for the new class. These facilities will provide a predicted coverage area approximately midway between those of Class A and Class C2

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22 See 2 FCC Rcd 660 (1987) at paragraph 12. The Commission stated the policy that, where the Grade B contour of a Channel 6 TV station and the 1 mV/m signal contour of a proposed upgraded facility on FM Channel 221 would overlap, the petitioner of such facility would have a particularly heavy burden to demonstrate that a grant of its request to upgrade is in the public interest. In such situations, the Commission will examine the record to determine the availability of existing and potential non-commercial educational FM service. See also the Note following §1.420 of the Commission's Rules, and the revision thereto in Appendix A. The Commission's staff has recently provided additional guidance to petitioners preparing engineering studies designed to meet the "heavy burden" policy. See Myrtle Beach, SC, 3 FCC Rcd 7269 (Mass Media Bur. 1988).

stations.[23] We also find that the proposed minimum distance separation requirements are appropriate. The co-channel, and the first, second and third adjacent channel distances are based on a Class C3 primary service area bounded by the F(50,50) 1 mV/m (60 dBμ) field strength contour. In this regard, we agree with the commenters that the distances calculated in this way are technically consistent with those currently applicable to all other station classes in Zone II, and will allow more Class C3 allotments to be made than if the existing Class B1 separations were applied. Concerning the IF distance separation requirements for the new Class C3, we are adopting the proposed distances, which conform to the uniform 36 mV/m protection level that we established in our recent action in MM Docket 86-144.[24]

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23 The station classes available in Zone II, after the effective date of the Commission's action herein, will be as follows:

	CLASS A	CLASS C3	CLASS C2	CLASS C1	CLASS C
Maximum ERP	3 kW	25 kW	50 kW	100 kW	100 kW
Reference HAAT	100 m	100 m	150 m	299 m	600 m
Coverage					
city (70 dBμ)					
radius	13.5 km	23.2 km	32.6 km	50.0 km	67.7 km
	8.4 mi	14.4 mi	20.3 mi	31.1 mi	42.1 mi
area	573 km²	1691 km²	3339 km²	7854 km²	14399 km²
	222 mi²	651 mi²	1295 mi²	3039 mi²	5568 mi²
service (60 dBμ)					
radius	24.2 km	39.1 km	52.2 km	72.3 km	91.8 km
	15.0 mi	24.3 mi	32.4 mi	44.9 mi	57.0 mi
area	1840 km²	4803 km²	8560 km²	16422 km²	26475 km²
	707 mi²	1855 mi²	3298 mi²	6333 mi²	10207 mi²

24 See Third Report and Order in MM Docket 86-144, FCC 89-62, _ FCC Rcd _____ (1989). The Commission determined that its IF distance separation requirements should be based on a uniform level of protection from IF interference. Accordingly, the distances were adjusted as necessary to prevent overlap of the predicted 36 mV/m contours of IF related stations, regardless of the station classes involved.

22. The record in this proceeding supports our proposal to employ the same reclassification procedures we used in BC Docket 80-90,[25] in order to ensure that FM station classifications are commensurate with the size of the area actually served, and to prevent stations that do not meet minimum service requirements from receiving excessive protection, thereby precluding other operations. In the Notice, we proposed a three year period for stations facing reclassification to file for modification to meet the minimum requirements for their class, as this is the time period we afforded stations subject to reclassification in BC Docket 80-90. However, we agree with Lahm and dLR that three years may be unnecessarily long in this instance. Most of the stations involved in the BC Docket 80-90 reclassification were Class C stations that did not meet the then new 300 meter minimum antenna HAAT requirement. Before filing for modification of facilities, licensees of those stations wishing to avoid reclassification needed to plan, design, and obtain financing and local approval for the construction of a taller tower, and in some cases, a site relocation. In view of the possibility of these complications, the three year period was deemed necessary. By contrast, the Class C2 licensees affected by our action herein[26] can avoid reclassification by simply increasing power. Many appear to be operating with just under the required minimum power and will be able to avoid reclassification by filing for a minor power increase (e.g., from 25.0 to 25.1 kW). Because we believe that the preparations licensees need to undertake in order to file for modification of facilities (as a result of the creation of Class C3) are less time consuming than was the case in BC Docket 80-90, we find that a two year period is sufficient time to allow for these filings. Accordingly, we are establishing a date two years from the effective date of this order by which parties subject to reclassification[27] must apply for at least the minimum facilities for their current class as set forth in Section 73.211 of the Rules as amended, or be reclassified, with the new class to be determined in accordance with Sections 73.210 and 73.211 of the Rules.

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25 See Report and Order, BC Docket 80-90, 94 FCC 2d 152 (1983); recon., granted in part and denied in part, 97 FCC 2d 279 (1984); rev'd in part sub nom., Reeder v. FCC, 865 F.2d 1298 (1989). In the Report and Order, paragraphs 63-70.

26 A tentative list of these licensees and other parties (applicants and permittees) that may potentially be reclassified is given in Appendix C.

27 The Commission will issue a Public Notice listing these parties based on their status on the effective date of this order.

23. In processing applications from parties seeking to avoid reclassification pursuant to this order, we believe that the public interest will be best served if we follow the policy established for reclassification of allotments pursuant to BC Docket 80-90. Specifically, for each application filed prior to the deadline and not reached for processing until after the deadline, we will afford the applicant one opportunity to correct all deficiencies in the application. Upon finding a deficiency in a timely filed application, our staff on its own motion will waive the "hard look" FM processing rules,[28] and notify the applicant of the deficiency, rather than returning the application. The applicant will then have 30 days within which to correct the noted deficiency and any other deficiencies in the application. If after the 30 day period the application still contains one or more deficiencies, it will be returned and the allotment reclassified. Thereafter, the allotment could be returned to its prior classification only through filing and subsequent grant of a petition for rule making to amend the Table of FM Allotments.

24. For purposes of compliance with the provisions of the Canada - United States FM Broadcast Agreement (and Working Arrangement), Class C3 allotments and assignments within 320 kilometers of the border will be considered to be Class B1. Similarly, for the purposes of compliance with the provisions of the Mexico - United States FM Broadcasting Agreement, Class C3 allotments and assignments within 320 kilometers of the border will be considered to be Class B. This procedure is necessary until agreements incorporating the new C3 station class can be negotiated with these countries.

25. As proposed in the Notice,[29] we are revising paragraph (b)(3) of Section 73.211, which sets forth power and antenna height requirements for stations located in Puerto Rico and the Virgin Islands, to conform this paragraph to the current system for station maximum limits. This is an editorial change only and does not prejudge any action we may take with regard to the Class A power increase proposal as it may affect Puerto Rico and the Virgin Islands.

26. Our Mass Media Bureau has identified approximately 150 existing Class A stations that apparently can be upgraded to Class C3 at their current locations and on their currently assigned channels, without

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28 The FM "hard look" processing rules were adopted in the Report and Order in MM Docket 84-750, FCC 85-125, 58 RR 2d 776 (1985), 50 FR 19936 (May 13, 1985).

29 See Notice at paragraph 38.

precluding any other Class A to Class C3 upgrades.[30] Rather than to require individual petitions for rule making from licensees and permittees of these stations who desire to upgrade their stations to Class C3, the Bureau intends to issue an omnibus notice of proposed rule making proposing the upgrade of these allotments. This omnibus proceeding will not preclude any other parties from filing timely petitions for rulemaking to amend the Table of FM Allotments[31] in accordance with our existing procedures. We believe that this approach will spare these licensees and permittees some effort and expense and will conserve our staff resources as well.

CONCLUSION

27. We believe that the potential public benefit of the new intermediate class of FM stations (Class C3) warrants its incorporation into our existing regulatory structure. We are establishing appropriate technical criteria that will enable the new station class to provide additional opportunities for significantly expanded FM service (particularly for existing Class A stations) as well as some new service, while fully protecting all existing service. We are also continuing our "heavy burden" policy to ensure that the upgraded service resulting from the creation of Class C3 does not unduly restrict non-commercial educational radio stations operating in the vicinity of Channel 6 TV stations. Finally, we are providing for reclassification of stations operating with less than the expected minimum facilities for their class. These actions will contribute to our policy goal of ensuring that the FM broadcast spectrum is effectively utilized.

FINAL REGULATORY FLEXIBILITY ANALYSIS

28. Pursuant to the Regulatory Flexibility Act of 1980, the Commission's final analysis is as follows:

I. Need and Purpose of this Action:

The Commission is adding an additional station class to its existing FM broadcast station classification system. The principal purpose of this action is to provide additional opportunities for improvement of the

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30 See Public Notice "Mass Media Bureau to Propose Upgrades on its Own Motion", March 31, 1989, for a tentative list of these stations.

31 The Table of FM Allotments is contained in §73.202 of the Commission's Rules.

facilities of existing Class A FM broadcast stations. The need for such improvement was outlined in the Notice and confirmed by the majority of the commenting parties. An additional purpose of this action is to provide additional opportunities for new service in areas where Class A operation is economically unfeasible and Class C2 operation is technically unfeasible.

II. Summary of Issues Raised by the Public Comments in Response to the Initial Regulatory Flexibility Analysis:

No commenters addressed the Initial Regulatory Flexibility Analysis.

III. Significant Alternatives Considered and Rejected:

There are no alternatives to the action herein that would accomplish the stated purpose. Another proposal in the Notice, to increase the maximum transmitting power for Class A stations from 3000 to 6000 Watts, remains under consideration at this time. Final action on that proposal will be taken in a future order. Although also intended to provide for improvement of Class A FM station facilities, that proposal is being considered as an addition, rather than an alternative, to the action taken herein.

29. The Secretary shall send a copy of this First Report and Order, including the Final Regulatory Flexibility Analysis, to the Chief Counsel for Advocacy of the Small Business Administration in accordance with paragraph 603(a) of the Regulatory Flexibility Act (Pub. L. No. 96-354, 94 Stat. 1164, 5 U.S.C. Section 601 et seq., (1981)).

PAPERWORK REDUCTION ACT STATEMENT

30. The decision contained herein has been analyzed with respect to the Paperwork Reduction Act of 1980, and found to contain modified form requirements. Specifically, minor modifications to FCC Forms 301 and 340, requiring OMB approval, are necessary. However, this decision will not increase or decrease burden hours imposed on the public.

ORDERING CLAUSES

31. Accordingly, IT IS ORDERED That pursuant to the authority contained in Sections 4 and 303 of the Communications Act of 1934, as amended, Part 73 of the Commission's Rules IS AMENDED as set forth in the Appendix, effective June 1, 1989.

32. IT IS FURTHER ORDERED That authority is delegated to the Chief, Mass Media Bureau to issue a Public Notice listing the parties subject to reclassification pursuant to this order, and to initially waive Section 73.3566 of the rules (as discussed supra, in connection with the "hard look" processing procedures) for applications submitted by these parties.

FEDERAL COMMUNICATIONS COMMISSION

Donna R. Searcy
Secretary

APPENDIX A

47 CFR Part 1 is amended as follows:

1. The authority citation for Part 1 continues to read as follows:

Authority: 47 U.S.C. 154 and 303.

2. 47 CFR 1.420 is amended by revising the Note following paragraph (h) to read as follows:

§1.420 Additional procedures in proceedings for amendment of the FM, TV or Air-Ground Table of Allotments.

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(h) * * *

NOTE: Licensees and permittees operating Class A FM stations who seek to upgrade their facilities to Class B1, B, C3, C2, C1, or C on Channel 221, and whose proposed 1 mV/m signal contours would overlap the Grade B contour of a television station operating on Channel 6 must meet a particularly heavy burden by demonstrating that grants of their upgrade requests are in the public interest. In this regard, the Commission will examine the record in rule making proceedings to determine the availability of existing and potential non-commercial educational service.

47 CFR Part 73 is amended as follows:

1. The authority citation for Part 73 continues to read as follows:

Authority: 47 U.S.C. 154 and 303.

2. 47 CFR 73.207 is amended by revising paragraph (a), the introductory text to paragraph (b) and the text of paragraphs (b)(2), (b)(3), and (c), as follows:

§73.207 Minimum distance separation between stations.

(a) Except for assignments made pursuant to §§73.213 or 73.215, FM allotments and assignments must be separated from other allotments and assignments on the same channel (co-channel) and five pairs of adjacent channels by not less than the minimum distances specified in paragraphs (b) and (c) of this section. The Commission will not accept petitions to amend the Table of Allotments, applications for new stations, or applications to change the channel or location of existing assignments unless transmitter sites meet the minimum distance separation requirements of this section, or such applications conform to the requirements of §§73.213 or 73.215. However, applications to modify the facilities of stations with short-spaced antenna locations authorized pursuant to prior waivers of the distance separation requirements may be accepted, provided that such applications propose to maintain or improve that particular spacing deficiency. Class D (secondary) assignments are subject only to the distance separation requirements contained in paragraph (b)(3) of this section. (See §73.512 for rules governing the channel and location of Class D (secondary) assignments.)

(b) The distances listed in Tables A, B, and C apply to allotments and assignments on the same channel and each of five pairs of adjacent channels. The five pairs of adjacent channels are the first (200 kHz above and 200 kHz below the channel under consideration), the second (400 kHz above and below), the third (600 kHz above and below), the fifty-third (10.6 MHz above and below), and the fifty-fourth (10.8 MHz above and below). The distances in the Tables apply regardless of whether the proposed station class appears first or second in the "Relation" column of the table.

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(2) Under the Canada - United States FM Broadcasting Agreement, domestic U.S. allotments and assignments within 320 kilometers (199 miles) of the common border must be separated from Canadian allotments and assignments by not less than the distances given in Table B, which follows. When applying Table B, U.S. Class C2 allotments and assignments are considered to be Class B; also, U.S. Class C3 allotments and assignments are considered to be Class B1.

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(3) Under the Mexico - United States FM Broadcasting Agreement, domestic U.S. allotments and assignments within 320 kilometers (199 miles) of the common border must be separated from Mexican allotments and assignments by not less than the distances given in Table C, which follows. When applying Table C, U.S. Class C2, C3 and B1 allotments and assignments are considered to be Class B; U.S. Class C1 allotments and assignments are considered to be Class C.

* * * * *

(c) The distances listed below apply only to allotments and assignments on Channel 253 (98.5 MHz). The Commission will not accept petitions to amend the Table of Allotments, applications for new stations, or applications to change the channel or location of existing assignments where the following minimum distances (between transmitter sites, in kilometers) from any TV Channel 6 allotment or assignment are not met:

MINIMUM DISTANCE SEPARATION FROM TV CHANNEL 6 (82-88 MHz)

FM Class	TV Zone I	TV Zones II & III
A	16	20
B1	19	23
B	22	26
C3	19	23
C2	22	26
C1	29	33
C	36	41

3. 47 CFR 73.207 is further amended by revising the introductory text in paragraph (b)(1); by adding, in TABLE A in paragraph (b)(1), a new row for relation "A to C3" to be inserted after the existing row for relation "A to B", a new row for relation "B1 to C3" to be inserted after the existing row for relation "B1 to B", a new row for relation "B to C3" to be inserted after the existing row for relation "B to B", and four new rows, for relations "C3 to C3", "C3 to C2", "C3 to C1" and "C3 to C", to be inserted, in that order, after the existing row for relation "B to C", as follows:

§73.207 Minimum distance separation between stations.

* * * * *

(b) * * *

(1) Domestic allotments and assignments must be separated from each other by not less than the distances in Table A which follows:

TABLE A - MINIMUM DISTANCE SEPARATION REQUIREMENTS IN KILOMETERS (MILES)

Relation	Co-channel	200 kHz	400/600 kHz	10.6/10.8 MHz
	*	*	*	*
A to C3	138 (86)	84 (52)	42 (26)	12 (8)
	*	*	*	*
B1 to C3	175 (109)	114 (71)	50 (31)	14 (9)
	*	*	*	*
B to C3	211 (131)	145 (90)	71 (44)	17 (11)
	*	*	*	*
C3 to C3	153 (95)	99 (62)	43 (27)	14 (9)
C3 to C2	177 (110)	117 (73)	56 (35)	17 (11)
C3 to C1	211 (131)	144 (90)	76 (47)	24 (15)
C3 to C	237 (147)	176 (109)	96 (60)	31 (19)
	*	*	*	*

4. 47 CFR 73.210 is amended by revising paragraphs (a), (b)(1), (b)(2), and (b)(3) to read as follows:

§73.210 Station classes.

(a) The rules applicable to a particular station, including minimum and maximum facilities requirements, are determined by its class. Possible class designations depend upon the zone in which the station's transmitter is located, or proposed to be located. The zones are defined in §73.205. Allotted station classes are indicated in the Table of Allotments, §73.202. Class A, B1 and B stations may be authorized in Zones I and I-A. Class A, C3, C2, C1, and C stations may be authorized in Zone II.

(b) The power and antenna height requirements for each class are set forth in §73.211. If a station has an ERP and an antenna HAAT such that it cannot be classified using the maximum limits and minimum requirements in §73.211, its class shall be determined using the following procedure:

(1) Determine the reference distance of the station using the procedure in paragraph (b)(1)(i) of §73.211. If this distance is less than or equal to 24 km, the station is Class A; otherwise,

(2) For a station in Zone I or Zone I-A, except for Puerto Rico and the Virgin Islands:

(i) If this distance is greater than 24 km and less than or equal to 39 km, the station is Class B1.

(ii) If this distance is greater than 39 km and less than or equal to 52 km, the station is Class B.

(3) For a station in Zone II:

(i) If this distance is greater than 24 km and less than or equal to 39 km, the station is Class C3.

(ii) If this distance is greater than 39 km and less than or equal to 52 km, the station is Class C2.

(iii) If this distance is greater than 52 km and less than or equal to 72 km, the station is Class C1.

(iv) If this distance is greater than 72 km and less than or equal to 92 km, the station is Class C.

* * * * *

5. 47 CFR 73.211 is amended by revising paragraphs (a)(1), (a)(2), the table in the introductory text of paragraph (b)(1), and paragraph (b)(3), to read as follows:

§73.211 Power and antenna height requirements.

(a) Minimum requirements. (1) Except as provided in paragraphs (a)(3) and (b)(2) of this section, FM stations must operate with a minimum effective radiated power (ERP) as follows:

(i) The minimum ERP for Class A stations is 0.1 kW.
(ii) The ERP for Class B1 stations must exceed 3 kW.
(iii) The ERP for Class B stations must exceed 25 kW.
(iv) The ERP for Class C3 stations must exceed 3 kW.
(v) The ERP for Class C2 stations must exceed 25 kW.
(vi) The ERP for Class C1 stations must exceed 50 kW.
(vii) The minimum ERP for Class C stations is 100 kW.

(2) Class C stations must have an antenna height above average terrain (HAAT) of at least 300 meters (984 feet). No minimum HAAT is specified for Classes A, B1, B, C3, C2, or C1 stations.

* * * * *

(b) Maximum limits. (1) Except for stations located in Puerto Rico or the Virgin Islands, the maximum ERP in any direction, reference HAAT, and distance to the class contour for each FM station class are listed below:

Station Class	Maximum ERP	Reference HAAT in meters (ft)	Class contour distance in kilometers
A	3kW (4.8 dBk)	100 (328)	24
B1	25kW (14.0 dBk)	100 (328)	39
B	50kW (17.0 dBk)	150 (492)	52
C3	25kW (14.0 dBk)	100 (328)	39
C2	50kW (17.0 dBk)	150 (492)	52
C1	100kW (20.0 dBk)	299 (981)	72
C	100kW (20.0 dBk)	600 (1968)	92

* * * * *

(3) For stations located in Puerto Rico or the Virgin Islands, the maximum ERP in any direction, reference HAAT, and distance to the class contour for each FM station class are listed below:

Station Class	Maximum ERP	Reference HAAT in meters (ft)	Class contour distance in kilometers
A	3kW (4.8 dBk)	335 (1100)	42
B1	25kW (14.0 dBk)	150 (492)	46
B	50kW (17.0 dBk)	472 (1549)	78

* * * * *

6. 47 CFR 73.506 is amended by revising paragraph (a)(3) to read as follows:

§73.506 Classes of noncommercial educational FM stations and channels.

(a) * * *

(3) Noncommercial educational FM (NCE-FM) stations with more than 10 watts transmitter power output are classified as Class A, B1, B, C3, C2, C1, or C depending on the station's effective radiated power and antenna height above average terrain, and on the zone in which the station's transmitter is located, on the same basis as set forth in §§73.210 and 73.211 for commercial stations.

* * * * *

7. 47 CFR 73.610 is amended by revising paragraph (f) to read as follows:

§73.610 Minimum distance separations between stations.

* * * * *

(f) The distances listed below apply only to allotments and assignments on Channel 6 (82-88 MHz). The Commission will not accept petitions to amend the Table of Allotments, applications for new stations,

or applications to change the channel or location of existing assignments where the following minimum distances (between transmitter sites, in kilometers) from any FM Channel 253 allotment or assignment are not met:

MINIMUM DISTANCE SEPARATION FROM FM CHANNEL 253 (98.5 MHz)

FM Class	TV Zone I	TV Zones II & III
A	16	20
B1	19	23
B	22	26
C3	19	23
C2	22	26
C1	29	33
C	36	41

APPENDIX B

List of parties filing formal comments

Advance Broadcasting Corporation (WGNY)
Aiken Communications Corp. (WGBF) *
Albany Broadcasting, Inc. (WQBK) *
The Alpha Group (KXMK) *
Jose J. Arzuaga (WREI)
Association for Broadcast Engineering Standards, Inc. *
Association of Federal Communications Consulting Engineers *
Baker Broadcasters, Inc. (WBZI) and State Line Radio (joint) *
Barry Broadcasting Company (WBCH)
Bay Communications, Inc. (WCME) *
Randolph V. Bell
Bonneville International Corporation (7 FM stations)
Albert L. Crain / Ouachita Communications, Inc. (joint) *
Creative Broadcasters, Inc.
The Cromwell Group, Inc. *
deHaro Radio, Ltd. *
Dettra Broadcasting (WQRA)
Draper Communications, Inc. (WLGQ), Edenton Broadcasting Corporation (WZBO), WWGP Broadcasting Corporation (WFJA), Muirfield Broadcasting, Inc. (WIOZ), Great American Media, Ltd. I (WYNA), Hi-Toms Broadcasting, Inc. (WTHP), WOBR, Inc. (WOBR), Blacksburg-Christiansburg Broadcasting Company (WVVV), Garden City Broadcasting Company (WORG), Voyager Communications III, Inc. (WLWZ), Florence County Broadcasting Company (WGFG), Piedmont-Crescent Communications, Inc. (WABZ), Pro-Media, Inc. (WZYZ) and Jennings Communications Corporation (WDZD) (joint)
Drexel Hill Associates, Inc. (WIIS,WDHA)
du Treil, Lundin & Rackley, Inc. *
E. Harold Munn, Jr. & Associates, Inc. *
Equus Broadcasting, Inc. (WVLI) *
FM 105, Inc. (WZZT) *
Fairmont Broadcasting Company *
Fernbrook Broadcasting Corporation (WKHV) *
Fuller-Jeffrey Broadcasting Companies, Inc. *
Gannett Co., Inc. (9 FM stations)
Golden West Broadcasters (KMPC) *
Great American Television and Radio Company, Inc. (8 FM stations) *
Greater Media, Inc. (7 FM stations) *
Hoffman Media of Louisiana (WQCK) *
JAB Broadcasting (WDLT) *
Jarad Broadcasting Company, Inc. (WDRE)
The Jet Broadcasting Co., Inc. (WJET)
KISS Limited Partnership *
KPHN, WGRG, KJFK, KCMJ, WIQQ, KTZA, WWKF (joint) *
Karl D. Lahm, P.E. *
Lake Cities Broadcasting Corporation (WLKI)
Main Street Broadcasting Company, Inc. (WLNG)
Maines Broadcasting, Inc. (WMRX)
Malrite Radio and Television, Inc. (KZLA) *
Keith Mason (WSSQ)

Robert M. Mason
Massachusetts Class A Broadcasters Association
Aurio Matos (WRFE) and Seashore Broadcasting Corporation (WOBM) (joint)
Mechanicsville Community Broadcasting Company (WQMR)
Mississippi College (WHJT) *
Montbrook Broadcasting, Ltd. *
Mountain Broadcasting Co., Inc. (KTOT)
National Association of Broadcasters *
National Public Radio and Corporation for Public Broadcasting (joint) *
New Jersey Broadcasters Association
New Jersey Class A FM Broadcasters Association *
Newcity Communications, Inc. (9 FM stations) *
Northeast Communications Corporation (WFTN)
Nutmeg Broadcasting Company (WILI)
Pepper & Corrazzini *
Pleasant Broadcasters (WADB)
Power Du Pree Broadcasting Company / J and J Broadcasting (joint)
Premier Broadcast Group of Lexington, Inc. (WFMI)
Premier Broadcast Group, Inc. (WKLI)
Pulaski County Broadcasters, Inc. (KJPW)
R-B Company, Inc. (WRRL)
Radio Musical, Inc. (WBRQ)
Reynolds Communications, Inc. (WSUL)
Sanilac Broadcasting Company (WTGV) *
Scripps Howard Broadcasting Company (3 FM stations) *
C. Curtis Sigmon (WDZK) *
Southernwood Media Corporation (WCTD)
Southwest Ohio Broadcast Service General Partnership (WSWO)
Stoner Broadcasting System, Inc. (WCMF, WWSN, WYRK, WHWK)
Susquehanna Radio Corp. (11 FM stations) *
T.G.S. Communications, Inc. (KMOQ) *
3-D Communications Corporation (WDDD)
Tri-Valley Broadcasting Corporation (WMJV)
Universal Broadcasting Corporation (WCBW, WSYW, WVVX, KMAX) *
Vacationland Broadcasting Services
Viacom Broadcasting, Inc. (6 FM stations) *
Virden Broadcasting Corp. (WRVI)
WJER Radio, Inc. (WJER) *
WN Broadcasting (WNCD)
Westinghouse Broadcasting Company, Inc. (7 FM stations) *
Willis Broadcasting Corporation (5 FM stations) *
The Wireless Group, Inc. (WTBG, WLOT)

* denotes parties addressing issues relating to the proposed station Class C3

List of parties filing formal replies

Bay Communications, Inc. (WCME) *
CBS, Inc.
Ethnic Radio, Inc. (KATD)
Greater Media, Inc. *
The Hearst Corporation (WIYY, WLTQ, WHTX)
Main Street Broadcasting Company, Inc. (WLNG)
Maines Broadcasting, Inc. (WMRX)
Massachusetts Class A Broadcasters Association
National Association of Broadcasters *
Nelson Enterprises, Inc.
New Jersey Class A FM Broadcasters Association
Premier Broadcast Group
Radio Broadcasters, Inc. (KSRF)
Universal Broadcasting Corporation (WCBW, WSYW, WVVX, KMAX)
Willis Broadcasting Corporation (WPDQ, KFTH, WKWQ, WWPD, WSFU)

* denotes parties addressing issues relating to the proposed station Class C3

List of parties submitting letters included in the file

Alexandra-Brooke Broadcasting, Inc. (WCRQ)
Vernon R. Baldwin (WZLE)
Betap Broadcasting, Inc. (WAEY)
James G. Bethard (KRRP)
Ann H. Bignell (WHMI)
Honorable Robert M. Blais, Mayor, Village of Lake George, NY
Brattleboro Broadcasters, Inc. (WKVT)
Honorable John Breaux, United States Senator
Joseph L. Bruno, State Senator, New York
Buckley Broadcasting Corporation (WYNZ), (KGIL)
Honorable Dale Bumpers, United States Senator
CRS Communications, Inc. (WXYU)
Capitol Broadcasting Corporation, Inc. (WKXL)
Carter County Broadcasting Company, Inc. (WUGO)
Jeffrey Chandler (KKOS)
Robert Channick (WCCQ)
Kathryn Cheap (WQRK)
Tony Childress
Clear Communications, Inc. (WVLT)
Commonwealth Broadcasting of Arizona, Inc. (KYXI)
Richard L. Cornell (WSAL)
Honorable Lawrence Coughlin, Member, U.S. House of Representatives
Covered Bridge Broadcasting, Ltd. (WAXI)
Covington County Broadcasters, Inc. (WKNZ)
Cumberland Valley Broadcasting Co., Inc. (WTRZ)
James R. Curtis, Jr. (KAEZ)
D & M Broadcasting, Inc. (WOMA)
Jack F. Daly (WJTW)
DeFuniak Communications, Inc. (WNOX) (WQUH)

Dearbour County Broadcasters, Inc. (WSCA)
Dickerson Broadcasting, Inc. (WEAG)
Ken Diebel (KTJC)
Tom E. Donnelly (KYOC)
Honorable Richard J. Durbin, Member, U.S. House of Representatives
William P. Eaton, Jr. (WSCZ)
Edenton Broadcasting Corporation (WZBO)
Ian Epstein (KHAZ)
Fairfield Broadcasting Company (WQLR)
Honorable Hugh T. Farley, State Senator, New York
Amos F. Finch (WDLA)
Honorable Hamilton Fish, Jr., Member, U.S. House of Representatives
Floyd County Broadcasting (WMDJ)
Honorable Wendell H. Ford, United States Senator
Fort Bend Broadcasting Company, Inc. (KFRD)
Fox Broadcasting Company (WLBF)
Franklin Broadcasting Company (KFMV)
GBS Communications, Inc. (WWIZ)
James J. Gamley, Scott Goodwin (WWWY)
Ray Garon (KIXX)
Honorable Sam Gejdenson, Member, U.S. House of Representatives
Douglas W. George (WHTF)
Gillen Broadcasting Corporation (WYKS)
Honorable Benjamin A. Gilman, Member, U.S. House of Representatives
Eaton P. Goran, III (WUSJ)
Larry Graf (KKJR)
Honorable Bill Grant, Member, U.S. House of Representatives
L. Gene Gray (WRQR)
Dan Greer (WDZZ)
Kelly Guglielmi (WGNY)
Guntersville Broadcasting Company (WGSV)
Honorable Lee H. Hamilton, Member, U.S. House of Representatives
Hanson Communications, Inc. (WGMX)
Honorable Glen H. Harris, Member, New York State Assembly
Honorable Jesse Helms, United States Senator
Lora Holdman (WQRK)
Idabel Broadcasting Company (KWDG)
Impact Broadcasting, Inc. (WXCF)
Indiana Broadcasters Association, Inc.
Staci Jennings (WQRK)
Jersey Shore Broadcasting Corporation (WJRZ)
Honorable J. Bennett Johnston, United States Senator
Jacqueline A. Joseph (WLKQ)
Honorable Neil W. Kelleher, Member, New York State Assembly
John Kennedy (WGEL)
William B. Klaus (WNIR)
Paul Knies (WBDC,WORX)
LaFollette Broadcasters, Inc. (WQLA)
Lane Broadcasting Corporation (WWDL)
Andrew A. Langston (WDKX)
Bruce D. Law (WKTU)
Sylvia B. Levtz (KKBN)
Cassandra Livingston (WYYS)
Teresa Luttrell (WOKZ)

Robert J. Maley (WEAY)
Manitou Broadcasting Corp. (WROI)
Marshfield Broadcasting Company, Inc. (WATD)
Honorable Jim McCrery, Member, U.S. House of Representatives
Robert M. McKay, Jr. (WKOM)
Media Capital, Inc.
Honorable Henry J. Mello, State Senator, California
Honorable Robert H. Michel, Member, U.S. House of Representatives
Steve Mickelson (KNIM)
Dean Miller (WMVR)
Honorable Ronald S. Montesi, Councilman, Town of Queensbury, NY
Karl F. Moore (WQRK)
Joseph Nardone (WTLQ)
New South Radio, Inc. (WACT)
Honorable Don Nickles, United States Senator
Normandy Broadcasting Corporation (WYLR)
Northampton Broadcasting Corp. (WHMP)
Odon Communications Group I (WAHC)
Ohio Broadcast Stations, Inc. (WJMR)
Ohio Broadcast Consultants, Inc./Christian Voice of Central Ohio (WCVO,WCVZ)
Robert F. Ottaway (WMMQ)
Walter H. Parker (WSKV)
Jim Parman (WRNZ)
C. R. Pasquier Properties, Inc. (KOCN)
Roger P. Pasquier (KOCN)
Jeffrey A. Pence (WKJM)
Frank E. Penny (WQXT)
Honorable Carl C. Perkins, Member, U.S. House of Representatives
Phillips Broadcasting Company, Inc. (WMEQ)
James B. Pidcock (WBBY)
Port Jervis Broadcasting Co., Inc. (WTSX)
Honorable David Pryor, United States Senator
Pulaski Broadcasting, Inc. (WKSR)
Q102 Broadcasting Company
Quaker State Broadcasting Corporation (WTPA)
Quality Broadcasting, Inc. of Georgia and Tenessee (WQXM), (QZDQ)
Quantum Broadcasting Corp. (WRCR)
Radio Mid-Pom, Inc. (WMPO)
Radio South Burlington, Inc.
The RadioActive Group
William O. Reelfs (KSYV)
Reynolds Communications, Inc. (WSUL)
John C. Rice (KTOI)
Rollings Communications of Illinois (WZNF)
Joe Rosa (KATD)
Edd Routt (KCKL)
Dennis W. Rumsey (WLKM)
Russell Broadcasting, Inc. (WMDK)
SSS Communications, Inc. (KYNZ)
Sage Broadcasting Corporation (WSGD)
Larry E. Salsburey (KQEZ)
Angelo Joseph Salvi (WLUV)
John W. Schuler (WSCH)
Jerry Shepard (WSSV)

J. Douglas Sherfield (WQRK)
Ralph Sherman (WLLI)
Shoreline Communications, Inc. (WVVE)
George C. Shurden, Sr. (WCLD)
Jack L. Siegal
Max E. Smith, Sr. (WHFD)
Sound Alternative, Inc. (WVLJ)
William G. Stallard (WNVA)
Donald C. Steese (WOEZ)
Sunrise Broadcasting Co., Ltd. (KRPQ)
Joel K. Swartz (KATD)
Robert B. Taylor (WXKE)
Tennessee River Broadcasting, Inc. (WKWX)
Honorable Louis Tessier, Supervisor, Town of Lake George, NY (WRGC)
Honorable William M Thomas, Member, U.S. House of Representatives
Honorable Strom Thurmond, United States Senator
Tift Area Radio, Inc. (WJYF)
Annice H. Trevitt (WQMT)
Trinity Broadcasting Corp. (KBCE)
Tuscarawas Broadcasting Company (WNPQ)
U.S. Three Broadcasting Corp. (WKSY)
Steven F. Udvar-Hazy
United Broadcasting Company, Inc. (WWVR)
Uno Broadcasting Corporation (WLLI)
Phillip G. Vessey (WDLA)
Vidalia Communications Corporation (WTCQ)
Video Communications & Radio, Inc.
Honorable Mijo Vonic, Supervisor, Town of Kingsbury, NY
WDNH Broadcasting Corporation (WDNH)
WJXR, Inc. (WJXR)
Warren Broadcasting Company, Inc. (WMCR)
Honorable Wes Watkins, Member, U.S. House of Representatives
Bradley M. Weeks (WBFL)
Weiner Broadcasting, Inc. (WUPE)
Richard C. Weis (WFPS)
Richard White (WFAS)
Theresa Wiegand-Swihart (WQRK)
Wilderness Hills Broadcasting, Inc. (WWXL)
Honorable Pete Wilson, United States Senator
Wilson County Broadcasting Company (KWCB)
David L. Winchester (WBEC)
Winn Broadcasting Company (KVCL)
Scott A. Young (WTGN)
John A. Zanzarella (WZFM)
Robert K. Zimmerman (WQWK)

Note: Many other parties submitted letters before, during and after the comment periods. These letters, although not inserted in the docket file, were read by the staff and the viewpoints contained therein will be taken into consideration throughout this proceeding.

A P P E N D I X C

Tentative list of FM station licenses, construction permits, and applications that may be subject to reclassification to Class C1:

Channel Class	File Number	Callsign	Location		Status	ERP (kW)	HAAT (m)	Ref.dist (km)
202C	BLED791113AT	WIAA	INTERLOCHEN	MI	LIC	115	107	53
218C	BLED1427	KANU	LAWRENCE	KS	LIC	110	201	65
247C	BLH7505	KDMI	DES MOINES	IA	LIC	115	137	58
287C	BLH840521DE	KCMS	EDMONDS	WA	LIC	115	219	67

Tentative list of FM station licenses, construction permits, and applications that may be subject to reclassification to Class C2:

Channel Class	File Number	Callsign	Location		Status	ERP (kW)	HAAT (m)	Ref.dist (km)
266C	BMLH811214AH	KMZU	CARROLLTON	MO	LIC	110	84	48

Tentative list of FM station licenses, construction permits, and applications that may be subject to reclassification to Class C3:

Channel Class	File Number	Callsign	Location		Status	ERP (kW)	HAAT (m)	Ref.dist (km)
201C2	860624MF	NEW	HUNTSVILLE	AL	APP	2.0	175	28
201C2	890112MU	NEW	HILO	HI	APP	5.0	-340	15
201C2	BLED261	KDPS	DES MOINES	IA	LIC	5.2	87	26
201C2	BLED801224AE	KBBG	WATERLOO	IA	LIC	9.5	26	18
201C2	BPED861006SZ	KVSC	ST. CLOUD	MN	APP	6.5	77	25
201C2	881214MF	WCQS	ASHEVILLE	NC	APP	1.6	356	38
201C2	BLED851213KC	WPAR	CLAREMONT	NC	LIC	10.0	79	28
201C2	BLED870909KF	KCEP	LAS VEGAS	NV	LIC	10.0	-12	18
201C2	BLED820901AB	KTXTFM	LUBBOCK	TX	LIC	18.5	104	37
201C2	BLED830314AQ	WJTY	LANCASTER	WI	LIC	12.0	145	39
202C2	BLED820201AF	WTLG	STARKE	FL	LIC	4.5	43	18
202C2	BPED871221ME	WTLG	STARKE	FL	CP	7.0	87	27

Channel Class	File Number	Callsign	Location		Status	ERP (kW)	HAAT (m)	Ref.dist (km)
202C2	881207MA	NEW	UNION PARK	FL	APP	1.9	183	29
202C2	BLED1408	KCCKFM	CEDAR RAPIDS	IA	LIC	10.0	128	36
202C2	BLED881003KE	KCEVFM	WICHITA	KS	LIC	17.0	43	24
202C2	BLED1200	WGWG	BOILING SPRINGS	NC	LIC	4.7	67	22
202C2	BPED861015SY	WHGG	KNOXVILLE	TN	CP	1.9	138	25
202C2	BMPED870225IM	KJCR	KEENE	TX	CP MOD	25.0	81	36
202C2	BMPED881007IE	KJCR	KEENE	TX	APP	25.0	81	36
203C2	BPED880603MA	NEW	BIRMINGHAM	AL	APP	1.7	142	25
203C2	BPED840322CA	NEW	BATON ROUGE	LA	APP	4.0	83	24
203C2	BPED840822IF	NEW	BATON ROUGE	LA	APP	11.5	82	30
203C2	BPED810112AQ	KFSI	ROCHESTER	MN	CP	7.0	98	29
203C2	BLED1283	KLJC	KANSAS CITY	MO	LIC	10.0	53	24
203C2	BLED1464	KEYA	BELCOURT	ND	LIC	19.0	110	38
203C2	BPED881205MB	NEW	LINCOLN	NE	APP	5.0	96	27
203C2	BPED870105MD	KSBA	COOS BAY	OR	CP	2.2	162	28
203C2	BPED851231MZ	WECE	DUE WEST	SC	CP	20.0	91	36
203C2	BLED1240	WQOX	MEMPHIS	TN	LIC	2.1	155	27
204C2	BPED870513MC	NEW	DADEVILLE	AL	APP	9.0	100	31
204C2	BMPED860204IA	WJFR	JACKSONVILLE	FL	CP MOD	8.0	107	31
204C2	BLED851209KD	WMMT	WHITESBURG	KY	LIC	1.0	434	37
204C2	BLED880126KA	KNLU	MONROE	LA	LIC	3.3	51	18
204C2	BPED881005MJ	KNLU	MONROE	LA	APP	1.3	210	28
204C2	BLED880427KB	KXMS	JOPLIN	MO	LIC	10.0	56	24
205C2	BLED800520AC	WDNA	MIAMI	FL	LIC	2.3	216	32
205C2	BPED870417MB	NEW	MACON	GA	APP	12.0	110	35
205C2	880418MX	NEW	MACON	GA	APP	9.0	136	36
205C2	BLED1753	WLSU	LA CROSSE	WI	LIC	8.3	165	38

Channel Class	File Number	Callsign	Location		Status	ERP (kW)	HAAT (m)	Ref.dist (km)
206C2	BLED840510CB	WLBF	MONTGOMERY	AL	LIC	15.0	64	28
206C2	BLED860424KC	WBSNFM	NEW ORLEANS	LA	LIC	10.0	160	39
206C2	BLED821213AJ	KLPI	RUSTON	LA	LIC	4.0	87	24
206C2	BMPED880914MB	WBYF	BAY CITY	MI	APP	11.5	44	23
206C2	BLED871231KE	KSMF	ASHLAND	OR	LIC	0.2	412	26
207C1	BPED871209MD	KATB	ANCHORAGE	AK	APP	2.5	116	25
207C2	BLED840418DM	WPIO	TITUSVILLE	FL	LIC	7.0	91	28
207C2	BPED840613AU	WPIO	TITUSVILLE	FL	CP	3.0	149	29
207C2	BLED810918AH	WRFG	ATLANTA	GA	LIC	24.5	90	37
207C2	BLED841029CY	KUCBFM	DES MOINES	IA	LIC	9.7	34	19
207C2	BLED810813AB	WNKJ	HOPKINSVILLE	KY	LIC	12.0	101	33
207C2	BPED870706ME	KCCU	LAWTON	OK	CP	2.0	141	26
207C2	BLED840416CB	KBHEFM	RAPID CITY	SD	LIC	9.8	125	35
208C2	BLED880929KB	WGTF	DOTHAN	AL	LIC	5.5	65	23
208C2	BLED880401KB	KTSCFM	PUEBLO	CO	LIC	8.0	55	23
208C2	BLED791029AU	KHKE	CEDAR FALLS	IA	LIC	10.0	125	35
208C2	BPED880509ML	KQAL	WINONA	MN	CP	1.8	191	29
208C2	BLED801128AH	WVTH	GOODMAN	MS	LIC	20.0	82	34
208C2	BLED861125KB	KPPR	WILLISTON	ND	LIC	10.5	150	39
208C2	BLED870720KA	KMOC	WICHITA FALLS	TX	LIC	3.0	207	34
209C2	BPED831220AE	KXFR	REDDING	CA	CP	0.3	455	31
209C	BPED880329TB	KXFR	REDDING	CA	APP	0.1	481	26
209C2	BPED861203MF	KTLF	COLORADO SPRINGS	CO	CP	0.4	625	37
209C2	BLED850422KK	WNKU	HIGHLAND HEIGHTS	KY	LIC	12.0	97	33
209C2	BLED851218KF	KTDB	RAMAH	NM	LIC	15.0	88	33
209C2	BPED870316MH	WSTY	PLATTSBURGH	NY	CP	0.1	675	32
209C2	880912MA	NEW	ALVA	OK	APP	6.0	159	35

Channel Class	File Number	Callsign	Location		Status	ERP (kW)	HAAT (m)	Ref.dist (km)
210C2	BLED801205AA	KZIG	CAVE CITY	AR	LIC	3.3	107	26
210C2	BLED810430AE	WUCFFM	ORLANDO	FL	LIC	7.9	49	22
210C2	BLED850219KP	WVBA	FRANKFORT	KY	LIC	7.1	42	20
210C2	BLED1667	WSOFFM	MADISONVILLE	KY	LIC	15.0	91	33
210C2	BPED880803ID	WSOFFM	MADISONVILLE	KY	APP	15.0	86	33
210C2	BPED870521ME	WLJNFM	TRAVERSE CITY	MI	CP	10.0	141	37
210C2	BLED840501DT	KGPR	GREAT FALLS	MT	LIC	9.0	115	33
210C2	BLED810731AI	WDAV	DAVIDSON	NC	LIC	20.0	107	38
210C2	BLED860212KH	WEVL	MEMPHIS	TN	LIC	12.5	75	29
210C2	BLED850416KT	WWSP	STEVENS POINT	WI	LIC	3.6	71	21
211C2	BLED780906AO	WOCG	HUNTSVILLE	AL	LIC	25.0	70	33
211C2	BLED870831KB	WTJT	CRESTVIEW	FL	LIC	5.0	77	24
211C2	BPED870107MI	NEW	INVERNESS	FL	APP	4.5	108	27
211C2	890112MT	NEW	LIHUE	HI	APP	25.0	100	39
211C2	BMPED870414IC	WJSO	PIKEVILLE	KY	CP MOD	3.8	139	29
211C2	BPED860115IH	KNMC	HAVRE	MT	CP	10.0	115	34
211C2	BLED850528KO	WNAA	GREENSBORO	NC	LIC	10.0	132	36
211C2	BPED880126OT	KSAU	NACOGDOCHES	TX	APP	3.5	137	29
211C2	BLED1602	KOLU	PASCO	WA	LIC	3.9	-20	14
211C2	BLED861008KB	KYDZ	CODY	WY	LIC	10.0	-140	18
212C2	880308MB	WTJT	BAKER	FL	APP	25.0	80	35
212C2	BLED821227AB	WKWC	OWENSBORO	KY	LIC	5.0	22	15
212C2	BLED1770	KBFL	BUFFALO	MO	LIC	4.3	75	23
213C2	BLED870417KC	KIBC	BURNEY	CA	LIC	0.4	403	29
213C2	BLED800125AG	KEPC	COLORADO SPRINGS	CO	LIC	3.7	-84	14
213C2	BLED850124LR	KCSUFM	FORT COLLINS	CO	LIC	10.0	-108	18
213C2	BLED790521AC	WUOG	ATHENS	GA	LIC	9.5	55	24

Channel Class	File Number	Callsign	Location		Status	ERP (kW)	HAAT (m)	Ref.dist (km)
213C2	BLED850717KQ	WFRC	COLUMBUS	GA	LIC	8.5	76	27
213C2	BPED880216MA	NEW	BENTON	KY	CP	4.5	107	27
213C2	BPED840229CC	WAHD	WILSON	NC	CP	5.0	86	25
213C2	BMPED880308MI	KOFR	ODESSA	TX	APP	6.5	138	33
213C2	BPED810417AB	KJIB	SANTA FE	TX	CP	8.2	139	35
213C2	BLED870113KA	KPDR	WHEELER	TX	LIC	3.1	148	29
213C2	BPED860130MG	NEW	MARTINSVILLE	VA	APP	10.0	116	34
214C2	BLED804	WACGFM	AUGUSTA	GA	LIC	6.5	122	31
214C2	BLED860429KC	WCVK	BOWLING GREEN	KY	LIC	14.0	137	39
214C2	BLED801222AS	WWOZ	NEW ORLEANS	LA	LIC	19.0	85	34
214C2	BPED880225IA	WWOZ	NEW ORLEANS	LA	APP	4.0	155	31
214C2	BMPED860311IA	KZSE	ROCHESTER	MN	CP MOD	1.1	258	30
214C2	BPED840906ID	WRVSFM	ELIZABETH CITY	NC	CP	10.0	70	27
214C2	BLED1008	KVNO	OMAHA	NE	LIC	3.0	195	33
214C2	BMLED880211KE	WYFH	NORTH CHARLESTON	SC	LIC	10.0	134	36
215C2	BLED861017KA	WYJD	BREWTON	AL	LIC	6.0	146	34
215C2	BLED871228KA	KBSA	EL DORADO	AR	LIC	3.0	179	31
215C2	BLED860116KD	KLLN	NEWARK	AR	LIC	4.0	139	30
215C2	BLED840620CY	WOAK	LA GRANGE	GA	LIC	3.4	91	24
215C2	BLED790702AE	WVVS	VALDOSTA	GA	LIC	5.3	21	15
215C2	890111MC	NEW	ELIZABETHTOWN	KY	APP	7.5	180	39
215C2	BPED890111MD	KRCUFM	CAPE GIRARDEAU	MO	APP	5.0	81	25
215C2	881101MB	NEW	ROCKY MOUNT	NC	APP	6.0	191	38
215C2	BLED800117AC	KUCV	LINCOLN	NE	LIC	18.0	55	28
215C2	BPED870202MD	KSJE	FARMINGTON	NM	CP	15.0	86	33
215C2	BMPED881208MN	KSJE	FARMINGTON	NM	APP	15.0	118	38
215C2	BLED860904KC	WJNY	WATERTOWN	NY	LIC	7.1	137	34

Channel Class	File Number	Callsign	Location		Status	ERP (kW)	HAAT (m)	Ref.dist (km)
215C2	BLED1734	KAMUFM	COLLEGE STATION	TX	LIC	3.2	104	25
215C2	BLED791128AC	KTSU	HOUSTON	TX	LIC	18.5	81	33
215C2	BPED860509ME	NEW	BLUEFIELD	WV	APP	0.7	336	31
216C2	BLED870528KC	KMUD	GARBERVILLE	CA	LIC	0.2	764	35
216C2	BLED830318AJ	KSOF	WICHITA	KS	LIC	14.5	107	36
216C2	BLED841011DP	KLSU	BATON ROUGE	LA	LIC	5.0	49	19
216C2	BLED850219KK	KGSUFM	CEDAR CITY	UT	LIC	10.0	-141	18
216C2	BPED860428MG	NEW	BLUEFIELD	VA	APP	1.0	355	34
216C2	BLED619	WLFM	APPLETON	WI	LIC	10.5	37	20
217C2	BPED860512MB	NEW	OXFORD	AL	APP	0.1	565	26
217C2	BLED821115BH	KUCA	CONWAY	AR	LIC	5.0	47	19
217C2	BPED860205MD	NEW	ROME	GA	APP	4.4	40	17
217C2	BMPED880105ID	KDFR	DES MOINES	IA	CP MOD	4.0	136	30
217C2	BPED870116MC	WFQS	FRANKLIN	NC	CP	0.2	702	36
217C2	BLED840706DW	WHQR	WILMINGTON	NC	LIC	1.5	387	39
217C2	BLED1695	KOCV	ODESSA	TX	LIC	5.0	78	24
217C2	BPED870526IA	KOCV	ODESSA	TX	CP	5.0	71	23
217C2	BLED810915AN	KPVU	PRAIRIE VIEW	TX	LIC	9.8	128	35
217C2	BLED880711KB	KGLY	TYLER	TX	LIC	12.0	141	39
217C2	BPED830419AH	NEW	ROANOKE	VA	APP	4.0	168	33
217C2	BPED830830AE	NEW	SALEM	VA	APP	3.3	275	39
218C2	BLED1362	WSGN	GADSDEN	AL	LIC	3.5	23	14
218C2	BLED840921CT	WMIEFM	COCOA	FL	LIC	20.0	30	22
218C2	BLED880125KA	KUNY	MASON CITY	IA	LIC	8.0	113	32
218C2	BLED870916KB	WBFI	MCDANIELS	KY	LIC	5.0	88	26
218C2	BPED860512MI	KPAE	ERWINVILLE	LA	CP	5.0	51	20
218C2	BLED67	KSLH	ST. LOUIS	MO	LIC	12.5	122	37

Channel Class	File Number	Callsign	Location		Status	ERP (kW)	HAAT (m)	Ref.dist (km)
218C2	BLED871016KB	WKCL	LADSON	SC	LIC	11.5	93	32
219C2	BPED860428ID	WNLE	FERNANDINA BEACH	FL	CP	10.0	51	23
219C2	BPED860811MD	WEGS	MILTON	FL	CP	25.0	91	38
219C2	BPED870626MD	NEW	MCCALL	ID	APP	0.2	583	31
219C2	BLED1455	KRFAFM	MOSCOW	ID	LIC	1.4	308	35
219C2	BPED871023MC	NEW	TWIN FALLS	ID	CP	1.9	150	26
219C2	BPED871208MB	KCVOFM	CAMDENTON	MO	APP	10.0	133	36
219C2	BLED1327	KSOZ	POINT LOOKOUT	MO	LIC	25.0	56	30
219C2	881207MC	NEW	FALLS CITY	NE	APP	7.1	168	37
219C2	BPED861106MB	KLNR	PANACA	NV	CP	0.1	1044	35
219C2	860808MB	NEW	FLORENCE	SC	APP	10.0	150	38
219C2	BLED821119AF	KTPSFM	TACOMA	WA	LIC	7.9	168	38
220C2	BMPED870511ID	KCZP	KENAI	AK	CP MOD	4.9	22	15
220C2	BLED850724KO	KUHB	ST. PAUL	AK	LIC	15.0	16	20
220C2	BPED880715MB	WWOL	LAKELAND	FL	APP	10.0	91	30
220C2	BPED850618ME	NEW	MONROE	NC	APP	10.0	157	39
220C2	BPED851108MA	NEW	WINGATE	NC	APP	10.0	149	38
220C2	881209MA	NEW	CHADRON	NE	APP	8.4	103	31
222C2	BLH860613KA	KDDRFM	OAKES	ND	LIC	4.0	46	18
229C2	8805190C	NEW	NEW IBERIA	LA	APP	3.0	150	29
229C2	BPH880804ID	WNBY	NEWBERRY	MI	APP	3.5	80	23
230C2	BLH7868	KUAMFM	AGANA	GU	LIC	2.0	283	36
230C2	BLH800508AB	KSPIFM	STILLWATER	OK	LIC	10.0	79	28
232C2	BPH880901II	WMUM	MARATHON	FL	APP	3.1	49	17
233C2	BLH6749	KWOCFM	POPLAR BLUFF	MO	LIC	14.0	66	28
236C2	BLH4954	KTTI	YUMA	AZ	LIC	25.0	23	23
236C2	BPH830921AF	KTTI	YUMA	AZ	CP	25.0	30	23

Channel Class	File Number	Callsign	Location		Status	ERP (kW)	HAAT (m)	Ref.dist (km)
238C2	BLH790518AF	KSTO	AGANA	GU	LIC	3.0	162	30
239C2	BLH811118AM	KPER	HOBBS	NM	LIC	25.0	78	35
241C2	BPH870326KF	KICXFM	MCCOOK	NE	APP	3.1	115	26
243C	870630NF	NEW	SOLDOTNA	AK	APP	10.0	79	28
243C2	BLH7880	KLWD	SHERIDAN	WY	LIC	25.0	-4	23
248C2	BLH861222KG	KZGZ	AGANA	GU	LIC	3.1	148	29
250C2	880616NF	NEW	GRANTS	NM	APP	10.0	68	27
251C1	BMPH870721IB	KLEF	ANCHORAGE	AK	CP MOD	25.0	9	23
251C2	BLH871208KG	KWLF	FAIRBANKS	AK	LIC	25.0	-2	23
251C2	BPH881215IC	KKQT	REXBURG	ID	APP	25.0	84	36
251C2	BLH3197	WBRF	GALAX	VA	LIC	6.8	180	38
256C2	BPH880406IC	KMTS	GLENWOOD SPRINGS	CO	APP	25.0	-71	23
256C2	880720MP	NEW	ANGEL FIRE	NM	APP	20.0	-244	22
261C2	BPH880721ID	WBXB	EDENTON	NC	CP	20.0	89	35
262C2	BLH850211KW	WRHN	RHINELANDER	WI	LIC	25.0	91	38
263C2	BLH780919AG	KENIFM	ANCHORAGE	AK	LIC	25.0	53	29
264C2	BPH871020IC	KLVFFM	LAS VEGAS	NM	CP	10.0	-23	18
264C2	BPH880425IA	KJAS	JASPER	TX	CP	5.1	91	26
266C2	BMPH870805IA	KJJZ	KODIAK	AK	CP MOD	3.1	14	13
266C2	BMPH870917IB	WVUVFM	PAGO PAGO	AS	APP	0.6	414	33
266C2	BPH881214IB	WONT	ONTONAGON	MI	APP	4.8	164	34
270C2	880914MH	NEW	AGANA	GU	APP	10.0	150	38
271C2	BLH7198	KPXR	ANCHORAGE	AK	LIC	25.0	50	29
273C2	BLH830801AI	KQRZ	FAIRBANKS	AK	LIC	25.0	-25	23
275C2	BPH860707OB	NEW	FLAGSTAFF	AZ	APP	0.5	599	38
279C2	BLH830829AA	WMOU	BERLIN	NH	LIC	17.0	49	26
281C2	BPH870108IC	KSDM	INTERNATIONAL FA	MN	CP	8.5	48	22

Channel Class	File Number	Callsign	Location		Status	ERP (kW)	HAAT (m)	Ref.dist (km)
281C2	BLH860516KB	KTILFM	TILLAMOOK	OR	LIC	6.5	-60	16
284C2	BLED1509	KUACFM	FAIRBANKS	AK	LIC	10.5	134	37
284C2	BLED830927AC	KCAW	SITKA	AK	LIC	4.9	-186	15
286C2	BLH840719CR	KTKU	JUNEAU	AK	LIC	3.8	-323	14
287C2	BLH840109AC	KNIKFM	ANCHORAGE	AK	LIC	25.0	78	35
287C2	BPH880419IA	KINNFM	ALAMOGORDO	NM	CP	6.9	-185	16
289C2	BPH890113IG	KURA	OURAY	CO	APP	3.1	-5	13
290C2	BLED850515KF	KRBD	KETCHIKAN	AK	LIC	15.0	-32	20
290C2	BMPH861212ID	KUIN	VERNAL	UT	CP MOD	3.0	126	27
293C2	BLH870219KA	KYNGFM	COOS BAY	OR	LIC	4.0	166	33
293C2	BLH820903AE	KOTYFM	RICHLAND	WA	LIC	25.0	-16	23
294C2	BLH871123KB	KGTW	KETCHIKAN	AK	LIC	4.0	-94	14